



MEMORANDUM

Agenda Item No. 8(C)(1)(A)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: October 7, 2003

FROM: George M. Fungsten
County Manager

SUBJECT: Amended Administrative
Order 10-3 for Product Approval
Procedures

RECOMMENDATION

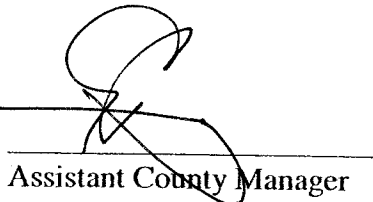
It is recommended that the Board approve the attached amended Administrative Order 10-3 establishing the necessary procedures for a product approval to conform to the uniform building code for Miami-Dade County and State mandates.

BACKGROUND

The 2000 Florida Legislature adopted the Florida Building Code in the State of Florida effective January 1, 2002. At the July 10, 2001, meeting of the Board of County Commissioners, the Board adopted Ordinance 01-112 repealing the South Florida Building Code and conforming building code administration and enforcement provisions to the requirements of the Florida Building Code.

The Florida Building Commission (FBC), under its rulemaking authority, adopted changes to Chapter 9B-72 F.A.C. (Product Approval) at the January 14, 2003 meeting. One of the newly adopted rules is a requirement that all manufacturers of building products used to protect the envelop of buildings must now perform quality assurance audits at intervals not to exceed twelve months. The Building Code Compliance Office, Product Control Division will perform this quality assurance audit for the products that Miami-Dade County approves issuing a Notice of Acceptance. This new FBC mandate is a welcomed strengthening of the building code and ensures that the public will be provided with products manufactured as indicated in their testing and design.

This amended Administrative Order 10-3 will require the employment of additional personnel to comply with the frequency requirements of quality assurance audits. The proposed changes conform operations to the new rules in Chapter 9B-72 F.A.C. and updates the functions presently performed by the Building Code Compliance Office in the product approval process.


Assistant County Manager

A.O. No. : 10-3

ORDERED:

EFFECTIVE:

ADMINISTRATIVE ORDER
MIAMI-DADE COUNTY

BUILDING PRODUCT APPROVALS PROCEDURES

- AUTHORITY: Section 4.02 of the Miami-Dade County Home Rule Amendment and Charter, Sections 8-4(d)(11) and 8-40 of the Code of Miami- Dade County, Chapter 9B-72 F.A.C. and F.S. Section 553.842.
- SUPERSEDES: This Administrative Order supersedes previous Administrative Order 10-3, ordered May 7, 2002 and effective ~~May 18, 1993~~ May 17, 2002.
- POLICY: This Administrative Order governs the procedure for approval of the following categories of construction products for use within Miami-Dade County: panel walls, exterior doors, roofing, skylights, windows, shutters, and structural components, and for approval of alternate materials of construction. Only those products and materials which meet or exceed the standards set forth in the Florida Building Code shall be authorized for use in Miami-Dade County.
- APPLICABILITY: This Administrative Order shall be of county-wide application. All panel walls, exterior doors, roofing, skylights, windows, shutters, and structural components to be utilized within the boundaries of Miami-Dade County, including any to be used within any of the municipalities, shall be subject to review and approval in the manner set forth in this Order.

CERTIFICATION OF
CONSTRUCTION
PRODUCTS:

Product Control
Division

There shall be within the Building Code Compliance Office a Product Control Division. Subject to the provisions of this Administrative Order and applicable provisions of the Florida Building Code the function of the Product Control Division shall be to review and recommend the approval or disapproval of the following categories of construction products: panel walls, exterior doors, roofing, skylights, windows, shutters, and structural components. In connection with this function, the Building Code Compliance Office, through its Product Control Division, shall be authorized to perform the following activities:

1. Preparing product approvals for use within Miami-Dade County.
2. Accrediting testing laboratories by issuing a Certificate of Approval for testing laboratories.
3. Auditing of quality assurance programs of manufacturers and auditing the production quality of products by inspection of manufacturing facilities, inspection of products at construction sites, inspection of products at a state distribution facility or testing of regular production items. Such auditing shall be performed at intervals not to exceed 12 months.
4. Designing, performing or witnessing of tests, and studying standard or industry reports and tests.
5. Investigating field problems.
6. Rendering assistance to municipalities in the areas of product approvals.
7. Rendering assistance to professionals and the public by providing technical information in relation to product approval.

8. Issuing Manufactures' Certificate of Compliance.
9. Issuing specific approval for unique products or unique situations.
10. Developing product-specific "check lists."
11. Issuing manufactures' association product approval.
12. Developing listing programs for construction products and materials.
13. Accrediting quality assurance agencies by issuing a Certificate of Approval.

Product
Approvals

Products shall be approved or disapproved in accordance with the following procedure:

1. Application shall be made by the interested party by completing an application form to be developed for this purpose by the Building Code Compliance Office. The application form shall be submitted to the Product Control Division together with such other information as the Product Control Division may reasonably require to determine compliance of the product with applicable standards. The additional information may include, but not be limited to, the following:
 - a. Engineering drawings and calculations by a Florida Registered engineer or architect, bearing his or her impressed seal;
 - b. Test reports from approved independent laboratories;
 - c. Recognition or approvals for other building departments or code authorities; and
 - d. Samples or product to be approved.

The above shall be submitted by the applicant together with the application fee then current.

Review by
Product Control
Division

The Product Control Division shall review the application and supporting documentation to determine compliance with the applicable standards. The Product Approval Division shall request from the applicant any additional information it may need to determine compliance, including the performance of additional tests. In the event that the Product Approval Division reasonably determines that it must perform tests to determine compliance, the Product Approval Division shall be authorized to request from the applicant that the cost of performing those tests be borne by the applicant.

Upon completion of review and analysis, the Building Code Compliance Office shall issue a Notice of Proposed Action in connection with the acceptance of the product. The Notice shall be dated, bear the signature of the Chief of the Product Control Division and the Chief Code Compliance Officer, and contain the recommendation of the office for use of the product. The Building Code Compliance Office may recommend to approve or disapprove the product, or to approve the product subject to conditions or limitations, which must be expressly stated in the Notice of Proposed Action. Within 5 days following the recommendation, the Notice shall be mailed or electronically transmitted to the applicant and to all members of the Board of Rules and Appeals. If the applicant wishes to make corrections to the Notice of Proposed Action, the applicant shall deliver a request to consider the matter to the Building Code Compliance Office. This request shall be made within 20 days following the date of mailing of the Notice of Proposed Action.

Review by
Board of Rules
and Appeals

Together with the Notice of Proposed Action, the Building Code Compliance Office shall mail to all members of the Board of Rules and Appeals such additional information as may be relevant or necessary for such persons to review the proposed action and recommendation. The Building Code Compliance Office shall also provide to any member of the Board of Rules and Appeals any information such person may require in connection with any Notice of Proposed Action, and, if such information is not immediately available, shall endeavor to obtain the same from the applicant. Such request for additional information shall be made in writing to the Building Code Compliance Office within 20 days following the date of mailing of Notice of Proposed Action.

The applicant or any member of the Board of Rules and Appeals who wishes to exercise the Board's jurisdiction to review any product, testing laboratory accreditation, or quality assurance accreditation, shall deliver a request to consider the matter to the Building Code Compliance Office. Such request shall be made within 20 days following the date of mailing of the Notice of Proposed Action, or within 10 days following the receipt of any additional information requested by timely request made in the same manner set forth above, whichever is later. In the event that request for Board of Rules and Appeals consideration is not made in the manner set forth in this paragraph, the action recommended by the Building Code Compliance Office in the Notice of Proposed Action shall be final.

The Building Code Compliance Office shall schedule the matter for consideration by the Board of Rules and Appeals not later than 30 days following a timely filed request. Notice of the scheduled matter shall be sent to all members of the Board of Rules and Appeals and the applicant. In accordance with Section 8-4 (d)(11) of the Code of Miami-Dade County, the Board of Rules and Appeals may delegate, by rule, its product approval function to a committee of the Board of Rules and Appeals, to be established in accordance with the aforesaid Section. The decision of the Board of Rules and Appeals with respect to whether the product, testing laboratory accreditation, or quality assurance agency accreditation satisfies the Florida Building Code shall be final.

Effectiveness

1. Period of effectiveness

Upon finality of any action, a notice shall be sent to the applicant. A Notice of Acceptance of a product shall be valid for a period of five years from the date of Notice unless the product changes in such a manner as to decrease the product's performance, or the standards or provisions of the Florida Building Code affecting the product change or the approval are otherwise suspended or revoked. In addition, the manufacturer shall maintain during the period of effectiveness a quality assurance program, which shall be audited at periods not to exceed 12 months by the Product Control Division. By exception, products in the experimental stage may be approved for a period of one year with an option for extending the approval for an additional four years upon a finding of satisfactory performance.

2. Renewals

Expired approvals are transferred to inactive files, where they shall be kept for a period of one year, during which time an applicant may request that the product approval be reactivated. For this purpose the applicant must:

- a. Provide the Product Control Division with updated information.
- b. Complete an application form, mentioning the expired approval number of the acceptance to be renewed, and accompany it with the renewal fee in accordance with the current fee schedule for new submittals along with the items listed in the renewal checklist.
- c. Maintain during the period of renewal a quality assurance program, which shall be audited at periods not to exceed 12 months by the Product Control Division
- d. Provide written documentation that testing reports for the purpose of renewals shall have been performed within the previous eight years from date of renewal application.

The renewal application shall be handled in the same manner as a new approval.

3. Revisions

Any change in materials or design automatically invalidates a Product Approval unless the applicant has obtained from the Building Code Compliance Office a revision of the original Notice of Acceptance. For this purpose the applicant must:

- a. Provide the Product Control Division with updated information; and
- b. Complete an application form, identifying the prior approval, and accompany it with the then current fee.

The application for a revision shall be handled in the same manner as a new approval. A Notice of Acceptance for a revision shall be issued with a new number, but with no change in the date of expiration.

4. Rescission of Product Approval

A product approval may be rescinded at any time, and shall become null and void for any of the following reasons:

- a. Unsatisfactory performance of the material or system when put to the test of time or of environmental conditions;
- b. Deviations from the original approved design through changes, substitutions, omissions or alterations;
- c. Discovery of harmful side effects, toxicity, incompatibility which surrounding materials, or other information which would render the product unsafe or unsuitable for its intended purpose; or
- d. Use is non-conforming to the scope of the Notice of Acceptance or in violation of any of the conditions of a conditional acceptance.
- e. Failure to maintain during the period of approval or renewal of a quality assurance program, which shall be audited at periods not to exceed 12 months by the Product Control Division

Notice of a proposed rescission shall be mailed to the parties receiving the original approval and the members of the Board of Rules and Appeals through a Notice of Proposed Action, and shall be handled in the same fashion as the approval or disapproval of a new product.

INSPECTIONS:

Inspections may be performed of products as installed on site and of manufacturing facilities. Notices of Proposed Action to Remove Products Approval may be issued where there is non-compliance with the requirements of the uniform Building Code or failure to follow the approved Notice of Acceptance.

MANUFACTURER'S
CERTIFICATE OF
COMPLIANCE:

In some cases, at the discretion of the Building Code Compliance Officer, a Product Approval would not be practical. This is limited to those situations where the product is of expendable nature, as in the case of ready-mixed concrete, or is custom-designed and built, as in the case of structural steel fabrication or prefabricated wood trusses; or as required by the uniform Building Code. In those cases a Manufacturer's Certificate of Compliance shall be issued by the Building Code Compliance Office upon application by an interested party in forms to be developed for that purpose. Such application shall contain, at a minimum, the following information: names of key personnel and professional background; main items of equipment; and plant location and offices. Quality control in connection with these certificates shall be accomplished by periodic plant inspections by Product Control inspectors, laboratories and engineers, and by selecting and analyzing random samples.

This Administrative Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

George M. Burgess

County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: October 7, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No.8(C)(1)(A)

Please note any items checked.

- _____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- _____ 6 weeks required between first reading and public hearing
- _____ 4 weeks notification to municipal officials required prior to public hearing
- _____ Decreases revenues or increases expenditures without balancing budget
- _____ Budget required
- _____ Statement of fiscal impact required
- _____ Bid waiver requiring County Manager's written recommendation
- _____ Ordinance creating a new board requires detailed County Manager's report for public hearing
- _____ Housekeeping item (no policy decision required)
- _____ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8 (C) (1) (A)
10-7-03

RESOLUTION NO. _____

RESOLUTION APPROVING AMENDMENTS TO
ADMINISTRATIVE ORDER 10-3: GOVERNING
BUILDING PRODUCT APPROVALS PROCEDURES

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the amendments to Administrative Order 10-3: Building Product Approvals Procedures.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson
Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro
Betty T. Ferguson
Joe A. Martinez
Dennis C. Moss
Natacha Seijas
Sen. Javier D. Souto

Jose "Pepe" Diaz
Sally A. Heyman
Jimmy L. Morales
Dorrian D. Rolle
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of October, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Hugo Benitez